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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 592,124	06 12 2000	Zoran Krivokapic	F0056 1663P	4928

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[REDACTED] EXAMINER

PHAM, LONG

ART UNIT	PAPER NUMBER
2823	

DATE MAILED: 06 13 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No	09/592,124	Applicant(s)	KRIVOKAPIC, ZORAN
Examiner	Long Pham	Art Unit	2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
b) The period for reply expires on (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
(a) they raise new issues that would require further consideration and/or search (see NOTE below);
(b) they raise the issue of new matter (see Note below);
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s)
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attached action.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: _____.

Long Pham
Primary Examiner
Art Unit: 2823

DETAILED ACTION

Response to Amendment after final or Advisory Action

1. Applicant's arguments filed 05/28/02 have been fully considered but they are not persuasive.

Status of the amendment after final rejection

There is no amendment after final rejection.

Status of the pending claims after final rejection

Rejections and/or objections as previously applied

Claim Rejections - 35 USC § 102

1. Claims 9, 10, 11, 13, 14, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dennison et al. (US '854).

Response to Arguments

2. Applicant's arguments filed 05/28/02 have been fully considered but they are not persuasive. See below.

In response to the applicant's arguments on page 3 of the Amendment dated 05/28/02, it is submitted that the prior art elements of Dennison is equivalent because the prior art elements of Dennison performs the identical function specified in the claim in substantially the same way, and produces substantially the same result as the corresponding element disclosed in the specification. Specifically, the active region, substrate, and discontinuous gate structures of Dennison have the same functions or perform the same functions as the active region, substrate, and discontinuous gate structures of the present specification. Further, the active

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region, substrate, and discontinuous gate structures of Dennison produce the substantially the same results as the active region, substrate, and discontinuous gate structures of the present specification.

In response to the applicant's arguments on page 3 of the Amendment dated 05/28/02, it is submitted that claims as written do not exclude the possibility that the active region have sub-regions. Note that the claims are given the broadest reasonable interpretation consistent with the specification during patent examination. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 703-308-1092. The examiner can normally be reached on M-F, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 703-308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4082 for regular communications and 703-746-4082 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Long Pham

Primary Examiner

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June 10, 2002